

Amendment No. 1 to SB2309

McNally
Signature of Sponsor

AMEND Senate Bill No. 2309

House Bill No. 1958*

by adding the following language at the end of subdivision (10) in Section 1 of the bill:

The department of revenue shall promulgate rules as are necessary to ascertain the number of units sold by such tobacco product manufacturer for each year. All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

AND FURTHER AMEND by deleting the semicolon (;) after the word “sold” at the end of subdivision (B)(iv) in Section 2 of the bill and substituting instead a period (.).

AND FURTHER AMEND by deleting the semicolon (;) after the word “sold” in the first sentence of subdivision (C) in Section 2 of the bill.

AND FURTHER AMEND in subsection (j) of Section 6 of the bill, by deleting the language "compiled in title 47, chapter 31, or the related provisions regarding the tobacco settlement funds, compiled in part 26 of this chapter" and substituting instead the language "compiled in title 47, chapter 31, the related provisions regarding the tobacco settlement funds, compiled in part 26 of this chapter, or any provisions related to civil penalties not contained in this section".

AND FURTHER AMEND by deleting the language “674-1001” in the last subdivision of Section 7 of the bill and by substituting instead the language “67-4-1001”.

AND FURTHER AMEND in Section 9 of the bill, by deleting subsection (a) of amendatory § 67-4-2608 in its entirety and substituting instead the following:

(a) For the purpose of determining compliance with § 47-31-103 and this part, the department is authorized to conduct inspections, audits, and investigations of:

(1) Non-participating manufacturers and their importers;

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- (2) Licensed agents;
- (3) Tobacco distributors;
- (4) Wholesale dealers and jobbers;
- (5) Retail dealers;
- (6) Persons or entities engaged in delivery sales; and
- (7) Cigarette rolling machine operators.

AND FURTHER AMEND in amendatory § 67-4-2608 of Section 9 of the bill, by deleting the word "importer" wherever it appears in subsections (c) and (d) and by substituting instead the language "non-participating manufacturer importer".

AND FURTHER AMEND by deleting the last sentence of amendatory § 67-4-2608(d) in Section 9 of the bill and substituting instead the following:

An application for license under part 10 of this chapter shall be an express waiver of such claim.

AND FURTHER AMEND by deleting the word "importers" in amendatory § 67-4-2608(e) of Section 9 of the bill and substituting instead the language "non-participating manufacturer importers".

AND FURTHER AMEND in Section 9 of the bill, by deleting subsection (c) of amendatory § 67-4-2610 in its entirety and substituting instead the following language:

(c) Any duly authorized representative or employee of the department who has been specifically designated by the commissioner to enforce this part, is authorized and

empowered to go armed, or carry a pistol while on active duty engaged in enforcing this part.

AND FURTHER AMEND in Section 10 of the bill, by adding the following new sentence at the end of subdivision (d)(2):

The bond shall be posted at least ten (10) days in advance of each calendar quarter.

AND FURTHER AMEND by deleting Section 12 of the bill and substituting instead the following:

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.